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*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

May 23, 2001

WRITER'S DIRECT NUMBER:

(202) 312-7261

INTERNET ADDRESS:

AFASULO@SKGF.COM

Commissioner for Patents
Washington, D.C. 20231

Box Missing Parts

Re: U.S. Utility Patent Application
Appl. No. 09/742,295; Filed: December 22, 2000
For: **Photonic Signal Frequency Up and Down-Conversion Using a
Photonic Band Gap Structure**
Inventors: Scalora *et al.*
Our Ref: 1659.0650001/MVM/AJF

Sir:

In reply to the "Notice to File Missing Parts of Application--Filing Date Granted," dated February 27, 2001, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Fee Transmittal Form PTO/SB/17 (*in duplicate*);
2. Petition for Extension of Time Under 37 C.F.R. §1.136(a)(1) (*in duplicate*);
3. Copy of the Notice to File Missing Parts;
4. Original Declaration for Patent Application executed by inventors;

Commissioner for Patents

May 23, 2001

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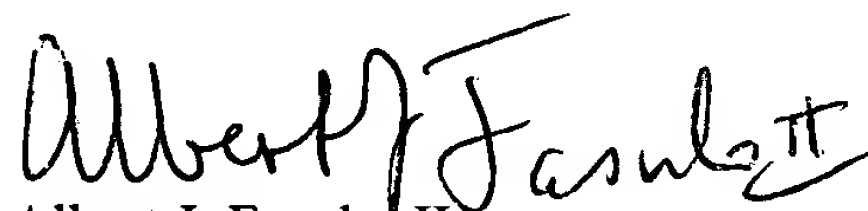
5. Our **Check No. 31377** in the amount of **\$1,156.00** to cover:
\$710.00 Filing Fee for patent application (37 C.F.R. §1.16);
\$206.00 Excess claims fee (37 C.F.R. §1.16);
\$130.00 Surcharge for late filing of Declaration (37 C.F.R. §1.16);
\$110.00 Petition for Extension of Time (37 C.F.R. §1.136(a)(1)); and
6. One Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Albert J. Fasulo, II

Attorney for Applicants

Registration No. 43,607


Enclosures

DJF/AJF:vrh

P:\USERS\AFASULO\1659\0650001\NTFMP-Reply

SKGF Rev. 4/27/00


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 <h2 style="text-align: center;">FEE TRANSMITTAL for FY 2001</h2> <p style="text-align: center;">Patent fees are subject to annual revision.</p>		C mplete if Known	
		Application Number	09/742,295
		Filing Date	December 22, 2000
		First Named Inventor	Michael Scalora
		Examiner Name	To be assigned
		Group Art Unit	3662
Attorney Docket No.		1659.0650001/MVMAJF	
TOTAL AMOUNT OF PAYMENT		(\$) 1,156.00	

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)					
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to: Deposit Account Number: 19-0036 Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C. <input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27		3. ADDITIONAL FEES Large Entity Small Entity					
2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Other* <small>*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.</small>		Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
		105	130	205	65	Surcharge - late filing fee or oath	130.00
		127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
		139	130	139	130	Non-English specification	
		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
		112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
		115	110	215	55	Extension for reply within first month	110.00
		116	390	216	195	Extension for reply within second month	
		117	890	217	445	Extension for reply within third month	
		118	1,390	218	695	Extension for reply within fourth month	
		128	1,890	228	945	Extension for reply within fifth month	
		119	310	219	155	Notice of Appeal	
		120	310	220	155	Filing a brief in support of an appeal	
		121	270	221	135	Request for oral hearing	
		138	1,510	138	1,510	Petition to institute a public use proceeding	
		140	110	240	55	Petition to revive - unavoidable	
		141	1,240	241	620	Petition to revive - unintentional	
		142	1,240	242	620	Utility issue fee (or reissue)	
		143	440	243	220	Design issue fee	
		144	600	244	300	Plant issue fee	
		122	130	122	130	Petitions to the Commissioner	
		123	130	123	130	Petitions related to provisional applications	
		126	180	126	180	Submission of Information Disclosure Stmt	
		581	40	481	40	Recording each patent assignment per property (times number of properties)	
		146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
		149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
		179	710	279	355	Request for Continued Examination (RCE)	
		169	900	169	900	Request for expedited examination of a design application	
		Other fee (specify):					
		Other fee (specify):					
		*Reduced by Basic Filing Fee Paid					
		SUBTOTAL (3) (\$) 240.00					

FEE CALCULATION					
1. BASIC FILING FEE					
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1) (\$) 710.00					
2. EXTRA CLAIM FEES					
		Extra	Fee from below	Fee Paid	
Total Claims 27		- 20** = 7	X 18	= 126.00	
Indep. Claims 4		- 3** = 1	X 80	= 80.00	
Multiple Dependent		-0-		= 0.00	
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim	
108	80	209	40	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$) 206.00					

** or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Albert J. Fasulo, II	Registration No. (Attorney/Agent)	43,607	Telephone	202-371-2600
Signature				Date	5/23/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

DUPLICATE



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov


APPLICATION NUMBER

09/742,295

FILING/RECEIPT DATE

12/22/2000

FIRST NAMED APPLICANT

Michael Scalora

ATTORNEY DOCKET NUMBER

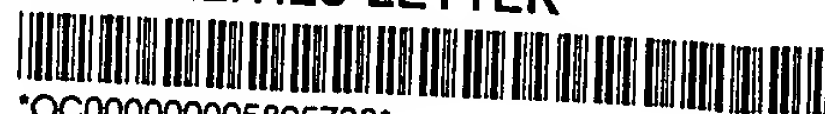
1659.0650001

26111

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 1100 NEW YORK AVENUE, N.W., SUITE 600
 WASHINGTON, DC 20005-3934

CONFIRMATION NO. 8153

FORMALITIES LETTER



OC000000005805720

Date Mailed: 02/27/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

02/24/2001 AGDITON 00000117 09742295

 01 701101
 02 701102
 03 701103
 04 701104

 710.00 OP
 130.00 OP
 126.00 OP
 80.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$206.
 - \$126 for 7 total claims over 20.
 - \$80 for 1 independent claims over 3.
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1046.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch); and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE